

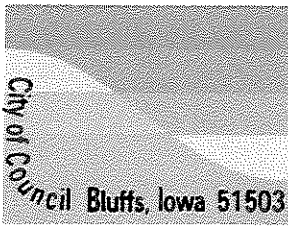
OFFICE OF:
CITY CLERK
(712) 328-4616

AGENDA

**CITY COUNCIL STUDY SESSION
COUNCIL CHAMBERS
MONDAY, July 14, 2008
3:45 P.M.**

- A. Review of Agenda
- B. ***Executive Session:***
Pending Litigation





COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA
REGULAR MEETING JULY 14, 2008 7:00 P.M.
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
209 PEARL STREET

OFFICE OF:
CITY CLERK
(712) 328-4616

AGENDA

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. CONSENT AGENDA

- A. Approval of agenda and tape recording of this proceeding be incorporated into official minutes
- B. Reading, correction and approval of minutes of the June 23, 2008 regular Council meeting and the special telephone conference meeting on June 27, 2008
- C. Resolution 08-200, directing the Clerk to publish notice and set public hearing on July 28, 2008 at 7:00 p.m. for the plans, specifications, form of contract and cost estimate for the digester cover repair
- D. Resolution 08-201, supporting the Police Department's application for a Justice Assistance Grant (JAG) and setting public hearing for July 28, 2008 at 7:00 p.m.
- E. Resolution 08-202, intent to vacate Mid-America Loop right-of-way abutting Lots 1 through 7, Bluffs Vision Commercial Subdivision, City of Council Bluffs, and setting public hearing on July 28, 2008 at 7:00 p.m.
- F. Resolution 08-217, intent to dispose of City property legally described as the West 31.5 feet of Lot 5, Block 9, Bayliss 2nd Addition (also known as 929 4th Avenue) and setting public hearing on July 28, 2008 at 7:00 p.m.
- G. Resolution 08-218, intent to dispose of the City's interest in a thirty-foot permanent sanitary sewer easement and a blanket storm water easement both in Metro Crossing, a subdivision in the City of Council Bluffs and setting public hearing for July 28, 2008 at 7:00 p.m.

4. PUBLIC HEARINGS:

- A. Ordinance 6005, amending the zoning map by changing the district designation of certain property located at 110 South 35th Street from its present designation as C-2/Commercial to R-4/High Density Multi-Residential; and property located at 3527 1st Avenue from its present designation as R-3/Low Density Multi-Family Residential to R-4/High Density Multi-Family Family Residential
- B. Resolution 08-203, vacating and disposing of 24th Avenue right-of-way between South 18th and South 19th Streets and abutting Lot 6, Wyatt 2nd Subdivision and abutting blocks 21 and 36, Railroad Addition, City of Council Bluffs
- C. Resolution 08-204, vacating and disposing of the West North/South alley in McGee's Subdivision of Block 21, Hughes and Doniphan's Addition, City of Council Bluffs



- D. Resolution 08-205, vacating and disposing of the North/South alley abutting Lots 9 through 16, Block 2 Mynster Place and Lot 4 Auditor's Subdivision of the NW ¼ SW ¼ of Section 19-75-43 and also abutting Lot 66 and out lot A, Vergamini Seventh Addition, City of Council Bluffs
- E. Resolution 08-206, authorizing the disposal of excess City property vacated by Ordinance 4800, dated June 22, 1987
- F. Resolution 08-207, approving assessment of costs for securing certain buildings within the City of Council Bluffs

5. RESOLUTIONS:

- A. Resolution 08-191, rejecting the bids received for the towing contract and extending the current contract by two months
- B. Resolution 08-208, authorizing the Mayor and City Clerk to execute an agreement with Swain Construction for the 8th Avenue North curb line and gutter replacement
- C. Resolution 08-209, accepting the work of All Purpose Utilities in connection with the Metro Crossing Sewer Extension – Phase I Schedule B (pump station) and authorizing the Interim Finance Director to issue a City check in the amount of \$54,396.45
- D. Resolution 08-210, accepting the work of Leazenby Construction in connection with the South 13th Street Improvements, Phase II, and authorizing the Interim Finance Director to issue a City check in the amount of \$60,274.82
- E. Resolution 08-211, imposing penalties against Council Bluffs Investment Co., Inc., dba Goofy's for violation of Iowa Code Chapter 123 for selling, dispensing, giving or otherwise supplying alcohol to a minor under the age of 21
- F. Resolution 08-212, imposing penalties against Sargent Enterprises, Inc., dba Mike's Place for violation of Iowa Code Chapter 123 for selling, dispensing, giving or otherwise supplying alcohol to a minor under the age of 21
- G. Resolution 08-213, designating applicant's authorized representative for Presidential Declaration of Disaster
- H. Resolution 08-214, approving the wage and benefit package for the Director of Finance
- I. Resolution 08-215, approving the wage and benefit package for the Director of Parks and Recreation
- J. Resolution 08-216, authorizing the Mayor to sign a Memorandum of Understanding between the City of Council Bluffs, Iowa and the City of El Hajeb, Morocco
- K. Resolution 08-219, re-establishing the position of Assistant Director of Finance

6. RECEIVE AND FILE ITEMS:

- A. Six Notice of Claim/Loss
- B. Three Notice to Redeem from Tax Sale:
 - a) 1618 7th Avenue
 - b) no address given
 - c) no address given

- C. One Offer to Buy City Property
Section 32-75-43 SW BW EXC W20' LT 5 AND LT 5 NW SW EXC SW175' SE150'

7. APPLICATIONS FOR PERMITS AND CANCELLATIONS:

A. Applications for renewal of liquor license:

- | | |
|---|---|
| a) Ameristar Casino, 2200 River Road | g) LPL's Restaurant, 1707 Harry Langdon Blvd |
| b) Barley's, 114 West Broadway | h) Pump & Munch Too, 1220 N 25 th Street |
| c) Bucky's Express #34, 3501 Broadway | i) Quaker Steak and Lube, 3320 Mid America Drive |
| d) Casey's General Store, 3201 S. 24 th Street | j) Queen of Apostles, 3304 4 th Avenue |
| e) Eddy's 3434, 3434 Nebraska Avenue | |
| f) Hy-Vee Drugstore, 757 West Broadway | |
| k) Super Quik Stop, 2800 Twin City Drive | l) Tienda Mexicana, 620 S. Main |

B. Application for change in ownership:
Goofy's, 807 South 21st Street

C. Application for Iowa Retail Cigarette/Tobacco Permits:

- | | |
|---|--|
| a) 1892 German Bierhaus, 142 W. Broadway | f) Gas Mart, Eddy's 3434, 3434 Nebraska Avenue |
| b) Cal's Food & Gas, 429 W. S. Omaha Bridge Road | g) Jameson's (Biggs) 1321 N. Broadway |
| c) Gas Mart, Eddy's 611, 611 E. Broadway | h) Lipstix, 1501 North 16 th Street |
| d) Gas Mart, Eddy's 503, 503 9 th Avenue | i) Pool & Paninis, 3139 West Broadway |
| e) Gas Mart, Eddy's 1839, 1839 Madison Avenue | j) Sugar's, 2725 E Kanessville Blvd |
| | k) Walgreen's #4405, 2508 W Broadway |

8. CITIZENS REQUEST TO BE HEARD:

9. ADJOURNMENT

RECORD OF PROCEEDINGS

CALL TO ORDER A special meeting via phone conference of the Council Bluffs City Council was called to order by Matt Schultz at 4:00 p.m. on Friday, June 27, 2008.

ATTENDANCE Council Members present: Matt Schulz, Darren Bates (via telephone), and Matt Walsh (via telephone). Staff present: Richard Wade, City Attorney, Marcia L. Worden, Deputy City Clerk and Judith Ridgeley, City Clerk.

**APPLICATIONS
FOR PERMITS AND
CANCELLATIONS** Schultz and Walsh moved and seconded approval of a new Class C liquor license for Pool and Panini's. Unanimous.

ADJOURNMENT There being no further business to come before this special Council emeting, Schultz and Walsh moved and seconded to adjourn at 4:02 p.m. Unanimous

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Deputy City Clerk

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor Thomas P. Hanafan at 7:00 p.m. on Monday, June 23, 2008.
ATTENDANCE	<p>Council Members present: Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia L. Worden, Deputy City Clerk.</p> <p>Mayor Hanafan requested a moment of silence for the four Boy Scouts who lost their lives at the Little Sioux Campgrounds, tornado hit areas and for the flooding crisis in Iowa.</p>
CONSENT AGENDA	Walsh and Schultz moved and seconded approval of the Consent Agenda. Unanimous.
PUBLIC HEARINGS Resolution 08-186	Held Public Hearing regarding Resolution 08-186, to vacate and dispose of the east/west alley in Block 10, Mullin's Subdivision. Branigan and Walsh moved and seconded approval of Resolution 08-186. Voice Vote: 4 Aye; 1 Nay (Belt).
Resolution 08-187	Held Public Hearing regarding Resolution 08-187, authorizing the vacation of South 15 th Street abutting Blocks 4 and 5, both north/south alleys in Block 6 and South 17 th Street abutting the north 82.5 feet of Blocks 6 and 7, all in Railroad Addition. Branigan and Walsh moved and seconded approval of Resolution 08-187. Unanimous.
Ordinance 6003	Held Public Hearing regarding Ordinance 6003, Schultz and Branigan moved and seconded to Receive and File twelve letters of protest and petitions on file regarding the rezoning. Unanimous. Mayor Hanafan announced no action would be taken on the Ordinance due to the withdrawal of the rezoning application by the developer, Dial Land Purchasing, LLC.
ORDINANCE ON THIRD READING Ordinance 5996	Walsh and Branigan moved and seconded approval of Ordinance 5996, amending Chapter 1.10 "Administration and Personnel" of the Municipal Code by repealing and reenacting Section 1.10.020 "Compensation of Mayor". Bates moved to amend the Ordinance with a beginning salary of \$78,615.00 plus a 3.5% cost of living adjustment starting January 1, 2010; with no second the motion died. Voice Vote on original motion as read: 3 Aye; 2 Nay (Bates, Schultz).
ORDINANCE ON SECOND READING Ordinance 6004	Branigan and Walsh moved and seconded approval of Ordinance 6004, repealing Ordinance No.'s 5990 and 5991, and to amend the effective date for Ordinance No.'s 5984, 5988 and 5989, all passed and approved on April 14, 2008. Unanimous. Walsh and Belt moved and seconded to waive 3 rd reading, Ordinance passes into law. Unanimous.
ORDINANCE ON FIRST READING Ordinance 6005	Branigan and Walsh moved and seconded introduction of Ordinance 6005, amending the zoning map by changing the district designation of certain property located at 110 South 35 th Street, from its present designation as C-2/Commercial to R-4/High Density Multi-Residential; and property located at 3527 1 st Avenue from its present designation as R-3/Low Density Multi-Family Residential to R-4/High Density Multi-Family Residential and setting a Public Hearing for July 14, 2008 at 7:00 p.m. Unanimous.

RECORD OF PROCEEDINGS

RESOLUTIONS

Resolution 08-188	Belt and Bates moved and seconded approval of Resolution 08-188, authorizing the Mayor to execute two \$200,000 U.S. Environmental Protection Agency (EPA) Brownfields Assessment Grants for the City of Council Bluffs, for a total grant amount of \$400,000. Unanimous.
Resolution 08-189	Branigan and Bates moved and seconded approval of Resolution 08-189, authorizing the Mayor to submit an Iowa Great Places Grant Application and authorizing the Mayor to enter into a contract if approved. Unanimous.
Resolution 08-190	Walsh and Branigan moved and seconded approval of Resolution 08-190, authorizing the purchase of one (1) ambulance module from Foster Coach. Unanimous.
Resolution 08-191	Branigan and Walsh moved and seconded to post-pone Resolution 08-191, until July 14, 2008 at 7:00 p.m. regarding the rejection of bids received for the towing contract and extending the current contract by two months. Belt requested a copy of the bid specifications to review prior to the bidding process. Heard from Brad Arrowsmith, 379 Kenmore Avenue, owner of Arrow Towing. Schultz and Branigan moved and seconded to Receive and File packet information distributed. Unanimous. Heard from Doug Cain, 1229 Westside Drive, co-owner of Jay B Garage & Towing. Unanimous.
Resolution 08-192	Belt and Schultz moved and seconded approval of Resolution 08-192, authorizing the Mayor to execute a purchase agreement between the City of Council Bluffs and EJS Land, LLC. Unanimous.
Resolution 08-193	Branigan and Walsh moved and seconded approval of Resolution 08-193, abolishing two Utility Worker II positions and creating two Equipment Operator I positions in the Street & Sewer Division of the Public Works Department effective July 1, 2008. Voice Vote: 4 Aye; 1 Nay (Bates).
Resolution 08-194	Belt and Walsh moved and seconded approval of Resolution 08-194, accepting the completion of the Trolley Park Project and directing the Interim Director of Finance to release a City check in the amount of \$21,021.20 in 30 days. Unanimous.
Resolution 08-195	Walsh and Belt moved and seconded approval of Resolution 08-195, authorizing the acquisition of an easement from EJS Land, LLC for public and private utilities right-of-way. Unanimous.
Resolution 08-196	Belt and Branigan moved and seconded approval of Resolution 08-196, authorizing the acquisition of a 100 foot easement from Robert D. Adkins-Sons for public and private utilities right-of-way. Unanimous.
Resolution 08-197	Belt and Branigan moved and seconded approval of Resolution 08-197, authorizing the acquisition of an easement for public and private utilities right-of-way from Bunge North America, Inc. Unanimous.
Resolution 08-198	Branigan and Walsh moved and seconded approval of Resolution 08-198, authorizing the Mayor to execute an agreement entitled "Agreement Regarding Acquisition of Utility Corridor" between the City and the Council Bluffs Industrial Foundation, Inc (CBIF). Branigan and Bates moved and seconded amending the agreement including not to exceed \$150,000, located in Paragraph 2. Unanimous. Original vote as amended: Unanimous.

RECORD OF PROCEEDINGS

Resolution 08-199	Branigan and Bates moved and seconded approval of Resolution 08-199, authorizing the awarding bid for the construction of the Southwest Iowa Regional Fire Training Facility to Leazenby Construction, Inc. Council Member Belt requested staff to review all projects and notify Council of any projects with a delay in the original completion date. Branigan and Bates moved and seconded amending the Resolution to include Alternates 1 & 2 with the total bid of \$574,640.65. Unanimous. Vote on original Resolution as amended. Unanimous.
MAYOR'S APPOINTMENTS	Walsh and Bates moved and concurred with the Mayor's recommendation to re-appointment Sharon Finerty, Catherine Damgaard and Bobbette Behrens to the Municipal Housing Agency. Unanimous.
LETTERS FROM CITIZENS	<p>Walsh and Bates moved and seconded to Receive and File a letter received from Michael W. Carr, 343 North Locust Street, Carson, Iowa, representing the Sons of Union Veterans of the Civil War (SUVCW). Unanimous.</p> <p>Walsh and Bates moved and seconded to Receive and File an unsigned letter regarding unfenced swimming pools. Council Member Walsh mentioned it was important for citizens to submit their name when corresponding with Council Members or City Hall staff; speaking directly with and individual may help in determining or resolving an issue. Council Member Belt encouraged citizens concerned about neighborhood safety to contact Council Members or City Hall staff. Unanimous.</p>
RECEIVE AND FILE ITEMS	Walsh and Bates moved and seconded approval of Receive and File Items 11A – 11F. Unanimous.
APPLICATIONS FOR PERMITS & CANCELLATIONS	Belt and Branigan moved and seconded approval of Permit Applications regarding Items 12A & 12B – Liquor Licenses; Item 12C – Fifteen Cigarette Permits and Item 12D – Fireworks, Special Event Permit for June 29, 2008. Unanimous.
CITIZENS REQUEST TO BE HEARD	<p>Heard from Margarito Moreno, 2403 South 19th Street, requesting a light be placed at the corner of 19th Street and 24th Avenue.</p> <p>Council Member Belt requested clarification on home day care regulations set out by the City and State; Council Member Schultz suggested including DHS regulations. City Attorney Wade mentioned a meeting was scheduled between the Fire Chief, State Fire Marshal and DHS, a report will be provided to Council Members.</p>
ADJOURNMENT	Belt and Schultz moved and seconded adjournment at 7:52 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Thomas P. Hanafan, Mayor

ATTEST:

Marcia L. Worden, Deputy City Clerk

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY09-02C-1
Applicant _____

Ordinance No. _____
Resolution No. 08-200

Council Action: July 14, 2008

SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on July 28, 2008, for the Digester Cover Repair.

BACKGROUND/DISCUSSION

- The Council Bluffs Water Pollution Control Plant was built in 1974. Included in the original design were four concrete tanks that treat and stabilize settled solids. These are called anaerobic digesters.
- The floating cover on Primary Digester #1 has some damaged due to the highly corrosive bio-gas. CIP project # FY09-02C-1 would repair the floating cover, apply protective coatings to the steel components, and replace the gas mixing equipment.
- This project will extend its useful service life another 20 years or more.
- This project schedule is Set Public Hearing, July 14; Hold Public Hearing, July 28; Letting, August 12; Award, August 25 with late summer/fall construction.
- Funds in the amount of \$300,000 have been budgeted in the WPCP plant maintenance CIP for this project.

RECOMMENDATION

Approval of this resolution.



RESOLUTION
NO. 08-200

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
DIGESTER COVER REPAIR
FY-09-02C-1**

WHEREAS, the City wishes to make improvements known as the
Digester Cover Repair, within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost
estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications,
form of contract and cost estimate for the Digester Cover Repair setting July 28, 2008, at
7:00 p.m. as the date and time of said hearing.

ADOPTED
AND
APPROVED July 14, 2008

Thomas P. Hanafan, Mayor

ATTEST:

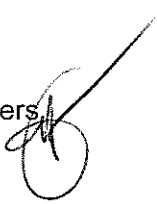
Judith Ridgeley, City Clerk

C O U N C I L B L U F F S P O L I C E D E P A R T M E N T

O F F I C E O F T H E C H I E F O F P O L I C E

M E M O R A N D U M

DATE: Thursday, June 26, 2008
TO: Mayor Hanafan, Council Members
FROM: KA Mehlin
RE: 2008 JAG Grant
CC:



The 2008 Justice Assistance Grant (JAG) application was reopened this year with an even smaller amount than last year. The money available this year was \$40,830. Fortunately this year none of the award has to be shared with the county.

The following is narrative of the equipment the department intends to spend the money on. It is all equipment needed by the department. I have also attached the budget worksheet to explain how much money was allocated for each piece of equipment.

The intent of the Council Bluffs, Iowa, Police Department is to spend its allocation of 2008 JAG monies on equipment. The following describes that equipment:

Part of the money will be utilized by our tactical and rapid response (riot control) teams. Because of a new soon to be completed radio system, the tactical radio microphones need to be replaced for the team members. The tactical team's ballistic shields are old and damaged and need to be replaced, thus we wish to purchase one shield with JAG money. Six of our rapid response team members do not have the ability to carry gas masks effectively, thus we wish to purchase six mask carriers. We also recently purchased eight new tactical ballistic vests for team members with Homeland Security money, however because of an oversight by the county emergency planner, no trauma plates were ordered with the vests. Thus we are asking for eight trauma plates for these tactical vests.

The second category on the request deals with the training of our first responders to active shooter situations. We are requesting Simunition weapons to add realism to training sessions. While we have some of these weapons, we have found we need to add to the inventory to adequately train our officers. Because we have recently added patrol rifles to our weapons inventory, we are asking for M16A2 Simunition weapons to add the ability to train in scenarios with

those types of weapons. The request also asks for ammunition to use in these weapons.

The third category deals with upgrading our interview and polygraph rooms from VHS and analog recording capability to digital recording capability, both video and audio. This will then allow us to more easily integrate video and audio into completed cases for prosecution, and allow to more easily store the video and audio evidence.

Along those lines, we are also asking for money to purchase digital field recorders for investigators. This will also allow us to more conveniently transcribe interviews, and also allow for more convenient storage of that evidence.

We would also like to make a safer and healthier work environment for our crime scene technicians by purchasing a fingerprint work station that will filter out fingerprint dust from the air as they search for latent fingerprints. The cost of this item includes the filters needed for the blower system.

Another category deals with our marked cruiser DVD recorders. We have been slowly switching them from VHS to digital, and have discovered that we have an inadequate system to store and retrieve this evidence. We would like to purchase a new computer server with adequate memory to store this digital visual and audio evidence until it is needed, or can be disposed of.

The last items we wish to acquire are for our Records department. All of our reports are scanned and stored digitally. We currently have several scanners; however we are in need of one more in order to make our limited Records personnel the most efficient. The request includes one more scanner, plus a very expensive maintenance item for the scanners we currently own. This will insure that our current inventory of scanners stays in service.

BUDGET DETAIL WORKSHEET

Grant Number	2008-F5306-IA-DJ
Applicant	City of Council Bluffs, Iowa
Person Making Application	Keith Mehlin
Executive Officer Council Bluffs	Mayor Tomas Hanafan

The following represents the budget detail for the 2008 JAG Grant for the City of Council Bluffs. We will be using the grant to purchase law enforcement equipment for the Council Bluffs Police Department. The following is the costs and breakdown for the equipment we wish to purchase.

The following equipment will be utilized by our tactical team, and our rapid response (riot response) team.

- (15) Hawk 1300 series lapel microphone, model #1323QR. Price, \$82.44 each, total price, \$1236.60
- (1) ProTech "Mighty Mite" Level IIIA ballistic shield, 18"x30". Price, \$1,049.99
- (6) Tactical Gas Mask Carriers. Price, \$28.99 each, total price \$173.94
- (8) Point Blank Level III Ballistic Vest Trauma Plates. Price, \$500 each, total price \$4,000.00

Total price for this category. \$9,460.53

The following items will be used as a training tool for first responders to active shooting incidents.

- (2) Simunition upper receiver conversion kits for M16A2 to allow 9mm FX marking rounds to be fired in the weapons. Price, \$740 each, total price \$1,480.00
- (4) Glock Simunition conversion kits for Glock 22. Price, \$395.00 each, total price, \$1,580.00
- (1000) rounds of 9mm Simunition training ammo to be used with the Simunition weapons. Price, \$500.00

Total price for this category. \$3,560.00

The following items will be used to upgrade our interview and polygraph rooms from VHS technology to digital DVR technology. This request includes equipment, installation, and training.

- (3) Pelco Surface Mount Mini Dome high resolution cameras.
- (1) Louroe ASK-4 Kit #101, which includes microphone, base station and power.
- (1) Pelco DX4004 DVR with 500 gig storage, 4 channels video, 4 channels audio, and DVD burner.
- (1) Pelco fused and switched 4 camera power supply.
- UPS protection. Total costs, \$5,445.00

Total price for this category. \$5,445.00

The following item will be used in our identification lab. It will be used as a fingerprint work station and has a filtering system that will keep fingerprint dust from entering the air.

- DWS Downflow Fingerprint Workstation system, which includes the workstation, prefilters and HEPA/Carbon main filter. Total cost \$4,662.00

Total price for this category. \$4,662.00

The following equipment will be used by Criminal Investigation Detectives and will upgrade their field tape recorders to digital recorders.

- (18) Olympus Model WS-311 Digital Recorders. Price, \$90 each. Total price, \$1,620.00

Total price for this category. \$1,620.00

The following item is a computer server and related equipment to store cruiser DVD video for evidence purposes. Our current system is outdated and in need of repair, plus the memory is inadequate for the volume of video that must be retained.

- (1) Dell computer server and related equipment including expanded memory with Microsoft Server operating system. Price, \$13,811.58. Total price, \$13,811.58.

Total price for this category. \$13,811.58

The following items will be used in our records department, where all of our documents are scanned and stored digitally.

- (1) Panasonic Interface Duplex Document Scanner, model DV-S2026C. Price \$867.97. Total price, \$867.97.
- (7) Roller Maintenance Kits for Panasonic Scanners. Price, \$177.02 each. Total price, \$1,239.14.

Total price for this category. \$2,109.11

Total JAG Grant \$40,668.22

R E S O L U T I O N
NO. 08-201

**A RESOLUTION IN SUPPORT OF THE POLICE DEPARTMENT'S
APPLICATION FOR A JUSTICE ASSISTANCE GRANT (JAG) AND SETTING
A PUBLIC HEARING IN SAID MATTER FOR JULY 28, 2008**

WHEREAS, the City has been presented with the opportunity to apply for a Justice Assistance Grant; and

WHEREAS, it is in the best interest of the City to pursue said grant.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the application for funding through the JAG program is hereby supported by this body; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled in this matter for July 28, 2008.

ADOPTED
AND
APPROVED July 14, 2008

Thomas P. Hanafan, Mayor

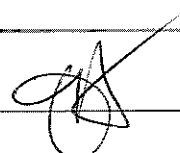
ATTEST:

Judith Ridgeley, City Clerk

Planning Commission & City Council Communication

Department: <u>Community Development</u> Case No. SAV-08-007 Applicant: Edward Morris 12582 Deerfield Ct. Council Bluffs, IA 51503	Resolution of Intent No. <u>08-202</u> Resolution to Dispose No. _____	Planning Commission: 7/08/07 Set Public Hearing: 7/14/08 Public Hearing: 7/28/08
Subject/Title Edward Morris request to vacate all of Mid-America Loop right-of-way abutting Lots 1 through 7, Bluffs Vision Commercial Subdivision. This is the loop road extending west from Mid-America Drive at 24 th Avenue.		
Background/Discussion Resolution No. 06-205, dated August 14, 2006 approved the final plat for Bluffs Vision Commercial Subdivision. The right-of-way proposed for vacation and the entire subdivision will be replatted to create one large lot for redevelopment while retaining the Quaker Steak and Lube property located on Lot 1. Both of the replatted lots will directly abut Mid-America Drive. Public hearings for both the vacation and replat will be scheduled for the July 28, 2008 Council meeting. The entire subdivision contains 15.16 acres of which 1.73 acres (75,522 square feet) is platted as Mid-America Loop right-of-way. Access to Quaker Steak will be maintained through an access easement on the replat. Cost of acquisition of the right-of-way based on the adopted fee schedule is \$35,936.00. MidAmerican Energy has underground electric facilities on the north side of the Loop to serve Quaker Steak. The developer must maintain clearances from the existing facilities and pay all costs associated with extending or relocating any facilities. With redevelopment, an underground conduit system with 15' wide easement is required. The water main in the right-of-way was extended south only to the mid-point of the roadway. It is expected that water service will become private from the existing main at Mid-America Drive and 24 th Avenue. Since the other lots have not been built upon, natural gas, electricity and communication services were not extended. City storm and sanitary sewer constructed with the street will be abandoned in place. There is a 40' wide storm sewer, sanitary sewer and water line easement crossing the north leg of the right-of-way proposed for vacation. This easement was dedicated with the final plat of Bluffs Vision Subdivision in 2001. It will not be released with the vacation.		
Recommendation The Community Development Department recommends vacating all of Mid-America Loop right-of-way abutting Lots 1 through 7, Bluffs Vision Commercial Subdivision, as shown on Attachment 'A', subject to the following conditions: 1. Conveyance by City deed of the entire vacated right-of way to the owner, heirs and assigns for the amount as determined by the adopted fee schedule. 2. Release all easements in the right-of-way, except that portion of the 40' wide storm sewer, sanitary sewer and water line easement.		
Attachment 'A' Prepared by: Gayle M. Malmquist, Development Services Coordinator		

3E



SOUTH 35TH STREET

23RD AVENUE

24TH AVENUE

MID-AMERICA DRIVE

MID-AMERICA LOOP

BASS PRO DRIVE

PROPOSED
VACATION

CASE#SAV-08-007



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-202

A RESOLUTION OF INTENT TO VACATE MID-AMERICA LOOP RIGHT-OF-WAY ABUTTING LOTS 1 THROUGH 7, BLUFFS VISION COMMERCIAL SUBDIVISION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Edward Morris requests vacation of Mid-America Loop abutting Lots 1 through 7, Bluffs Vision Commercial Subdivision; and

WHEREAS, this City Council hereby declares its intent to consider disposition of this City right-of-way by conveying and quitclaiming all of its right, title and interest in it to the abutting property owner(s).

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That this City Council hereby declares its intent to consider disposition of the above described City property; and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to dispose of this property is hereby set for July 28, 2008.

ADOPTED

AND

APPROVED: July 14, 2008

Thomas P. Hanafan

Mayor

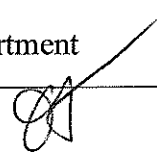
ATTEST:

Judith H. Ridgeley

City Clerk

Council Communication

Department: Community Development Offer To Buy City Property Applicant:	Resolution of Intent No. <u>08-217</u> Resolution to Dispose No. _____	Set Public Hearing: 07/14/08 Public Hearing: 07/28/08
Subject/Title Request of 4201, LLC, 13927 'S' Plaza, Omaha, NE 68137 to purchase 929 – 4 th Avenue (Legal Description: The West 31.5 feet of Lot 5, Block 9, Bayliss 2 nd Addition).		
Background/Discussion 4201, LLC has submitted an Offer to Buy the property at 929 – 4 th Avenue which the City acquired pursuant to a Court Order filed in January, 2006. The subject property measures 31.5 feet by 100 feet (3,150 square feet) and is zoned R-3/Multi-family Residential. The residential structure on the lot has been razed. 4201, LLC owns the commercial property directly to the south at 930 – 5 th Avenue. They would like to use the subject property as additional parking. A parking lot is a permitted use in an R-3 district. 4201, LLC has offered \$1,600 for the property which is approximately \$0.50 per square foot. The department feels this amount is sufficient.		
Recommendation The Community Development Department recommends setting a public hearing on the disposal of the West 31.5 feet of Lot 5, Block 9, Bayliss 2 nd Addition to 4201, LLC.		
Attachment: Location map. Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



OFFER TO BUY - 929 - 4TH AVENUE



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-217

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY LEGALLY DESCRIBED AS THE WEST 31.5 FEET OF LOT 5, BLOCK 9, BAYLISS 2ND ADDITION.

WHEREAS, the City has received an offer to buy from 4201, LLC for 929 – 4th Avenue, legally described as the West 31.5 feet of Lot 5, Block 9, Bayliss 2nd Addition, and

WHEREAS, the Mayor and city staff recommends disposal of the above-referenced property under the terms and conditions set forth in the offer to buy.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City does hereby express its intent to dispose of City property legally described as the West 31.5 feet of Lot 5, Block 9, Bayliss 2nd Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for July 28, 2008.

ADOPTED
AND
APPROVED: July 14, 2008

Thomas P. Hanafan Mayor

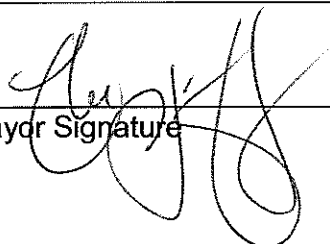
ATTEST: _____
Judith H. Ridgeley City Clerk

Council Communication

Department: Legal	Ordinance No.	
Case/Project No.	Resolution No. <u>08-218</u>	Council Action: <u>07/14/2008</u>
Applicant		
SUBJECT/TITLE		
Release of easements in Metro Crossing		
BACKGROUND		
It is necessary to dispose of the City's interest in two easements in Metro Crossing, a subdivision to the City of Council Bluffs. The consideration for this disposal will be the granting of two new easements for the same purposes, sanitary sewer and storm water, and the exact locations will be more fully identified in the future.		
Recommendation		
Staff recommends the approval of this resolution and the setting of a public hearing.		

Richard Wade

Department Head Signature



Mayor Signature

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

RESOLUTION NO. 08-218

A RESOLUTION OF INTENT TO DISPOSE OF THE CITY'S INTEREST IN A THIRTY FOOT PERMANENT SANITARY SEWER EASEMENT AND A BLANKET STORM WATER EASEMENT BOTH IN METRO CROSSING, A SUBDIVISION IN THE CITY OF COUNCIL BLUFFS.

WHEREAS, the City holds a thirty (30) foot permanent sanitary sewer easement across the southerly thirty (30) foot portion of Lot 17 that adjoins Lot 16 of Metro Crossing, a subdivision in the City of Council Bluffs, Pottawattamie County, Iowa, created by the filing of the Final Plat of Metro Crossing February 9, 2007, in Book 2007, Page 2366 of the records of the Pottawattamie County Records office; and

WHEREAS, the City also holds a blanket easement for storm water that was reserved over Lot 17 of Metro Crossing, a subdivision in the City of Council Bluffs, Pottawattamie County, Iowa.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That it is the City's intent to dispose of its interests in the easements described hereinabove in consideration for new easements that will be more fully described in the future; and

BE IT FURTHER RESOLVED

That this matter shall be set for public hearing on July 28, 2008.

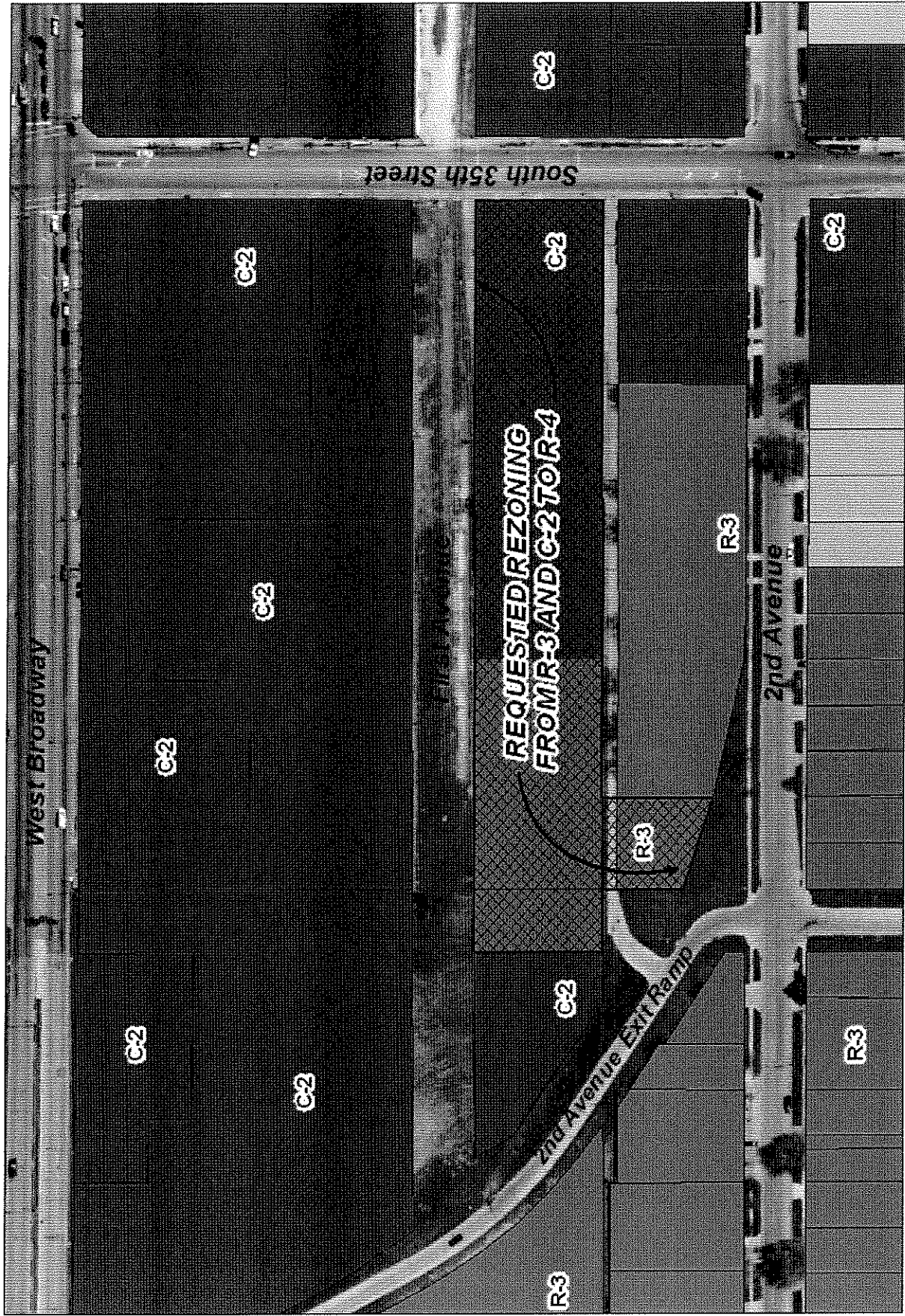
ADOPTED
AND
APPROVED July 14, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk

City Planning Commission

Department: Community Development Case No. ZC-08-009 Applicant: Seldin Properties, LLC and Maple Leaf Apts., LLC	Ordinance No. <u>6005</u>	Planning Commission: 06/10/08 First Reading: <u>06/23/2008</u> Second Reading: <u>07/14/2008</u> Third Reading:
Subject		
<p>Request of Seldin Properties, LLC and Maple Leaf Apts., LLC, 13057 West Center Road, Omaha, NE 68144, represented by Deborah L. Petersen, 215 South Main Street, PO Box 893, Council Bluffs, IA 51502-0893, to rezone Lots 16 through 25, Block 24, Ferry Addition, located at 110 South 35th Street from C-2 Commercial to R-4/High Density Multi-Family Residential and to rezone Lots 1 and 2 and Lots 26 through 30, except state, Block 24, Ferry Addition and all vacated South 36th Street adjacent, located at 3527 – 1st Avenue from R-3/Low Density Multi-Family Residential to R-4/High Density Multi-Family Residential.</p>		
Background		
<p>Seldin Properties and Maple Leaf Apts. own the multi-family developments at 110 South 35th Street, currently zoned C-2 Commercial and is nonconforming, and 3527 First Avenue, zoned R-3/Low Density Multi-Family and in conformance. The Seldin property contains 56 units on a parcel containing 58,080 square feet. Maple Leaf consists of 24 units on a parcel containing 78,408 for a total of 80 units and 136,488 square feet of area. Under R-3 zoning, a total of 159,000 square feet of area is required for 80 units. The current owners want to combine the properties into one parcel and convey it to a common owner. They are asking that the parcels be rezoned to R-4/High Density Multi-Family Residential so that together the properties will be in compliance with the density requirement of at least 62,250 square feet of area for the 80 units. No indication has been given that any new structures are to be built on site.</p> <p>Land uses surrounding the subject properties include commercial to the north and east, residential to the south and residential and vacant land to the west. Surrounding zoning is shown on the attached map.</p> <p>There has been no comment from any property owner within 200 feet. Two letters were returned, undeliverable, in the mail.</p>		
Recommendation		
<p>Because the requested rezoning will bring the existing use into compliance, no new structures are being proposed and no opposition has been received from the surrounding property owners, the Community Development Department recommends rezoning Lots 16 through 25, Block 24, Ferry Addition, located at 110 South 35th Street, from C-2 Commercial to R-4/High Density Multi-Family Residential and rezoning Lots 1 and 2 and Lots 26 through 30, except state, Block 24, Ferry Addition and all vacated South 36th Street adjacent, located at 3527 – 1st Avenue, from R-3/Low Density Multi-Family Residential to R-4/High Density Multi-Family Residential.</p>		
<p>Attachments: Map showing proposed rezoning area and surrounding zoning. Prepared By: Rebecca Sall, Planning Technician, Community Development Department</p>		



CASE #ZC-08-009

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA

ORDINANCE NO. 6005

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY LOCATED AT 110 SOUTH 35TH STREET, FROM ITS PRESENT DESIGNATION AS C-2/COMMERCIAL TO R-4/HIGH DENSITY MULTI-RESIDENTIAL; AND PROPERTY LOCATED AT 3527 – 1ST AVENUE FROM ITS PRESENT DESIGNATION AS R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL TO R-4/HIGH DENSITY MULTI-FAMILY RESIDENTIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.15, 15.10, AND 15.11 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the 2005 Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises, as follows:

Lots 16 through 25, Block 24, Ferry Addition, located at 110 South 35th Street, from C-2/Commercial to R-4/High Density Multi-Family Residential; and

Lots 1 and 2 and Lots 26 through 30, except State of Iowa, Block 24, Ferry Addition and all of vacated South 36th Street right-of-way adjacent, located at 3527 – 1st Avenue, from R-3/Low Density Multi-Family Residential to R-4/High Density Multi-Family Residential.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED _____

THOMAS P. HANAFAN

Mayor

Attest:

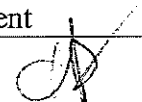
JUDITH RIDGELEY

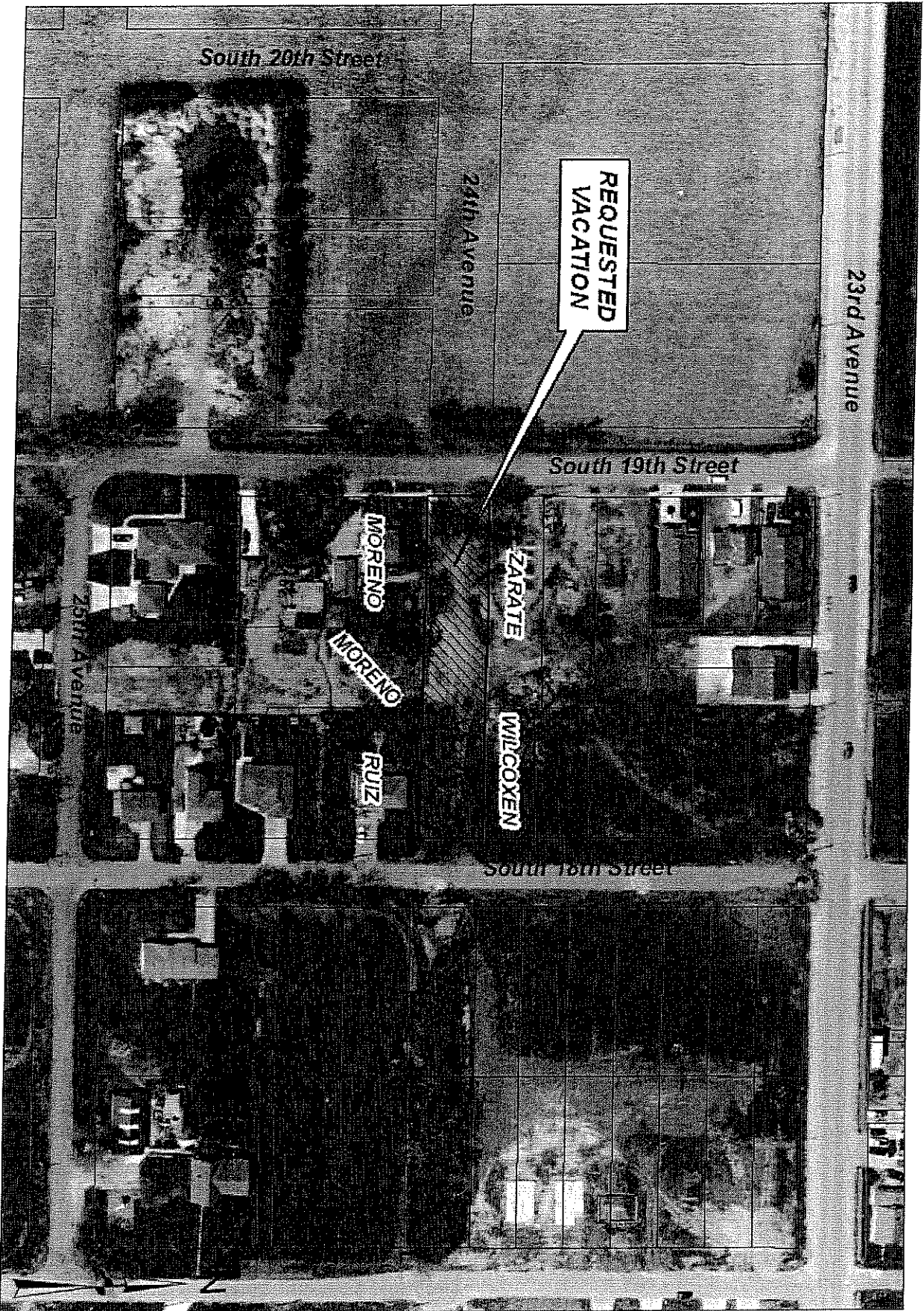
City Clerk

FIRST CONSIDERATION: June 23, 2008
SECOND CONSIDERATION: July 14, 2008
PUBLIC HEARING: July 14, 2008
THIRD CONSIDERATION: _____

Planning Case No. ZC-08-009

Council Communication

<p>Department: Community Development</p> <p>Case #SAV-08-004</p> <p>Applicant: Frank N. and Judith E. Ruiz</p>	<p>Resolution of Intent No. _____</p> <p>Resolution to Dispose No. <u>08-203</u></p>	<p>City Council: 6/23/08 Planning Commission: 06/10/08 Set Public Hearing: 06/23/2008 Public Hearing:</p>
Subject/Title		
<p>Request of Frank N. and Judith E. Ruiz, 2404 South 18th Street, Council Bluffs, IA 51501 to vacate 24th Avenue right-of-way between South 18th and South 19th Streets and abutting Lot 6, Wyatt 2nd Subdivision and abutting Blocks 21 and 36, Railroad Addition.</p>		
Background		
<p>Frank and Judith Ruiz are requesting vacation of 24th Avenue right-of-way between South 18th and South 19th Street so they can purchase the portion which abuts their property at 2404 South 18th Street. This right-of-way, which is unimproved, measures 66 feet wide by 330 feet long for a total of 21,780 square feet.</p> <p>MidAmerican Energy Company has overhead electric distribution facilities located within this right-of-way. They would need to preserve easement rights for the existing facilities as well as extension of facilities to serve any new development along 24th Avenue.</p> <p>Property owners Ruiz (applicant), Moreno and Zarate have returned their petitions stating they would be willing to purchase their respective portions of right-of-way. No response has been received from Wilcoxon.</p>		
Comments		
<ol style="list-style-type: none">1. Vacation of this portion of 24th Avenue would land lock property on the south side. Before this right-of-way can be vacated, the property would need to be replatted.2. 24th Avenue directly to the east between South 17th and South 18th Streets has already been vacated. Because of the continuing development in the immediate area, this right-of-way could be needed in the near future.		
Recommendation		
<p>The Community Development Department recommends denial of the request to vacate 24th Avenue right-of-way between South 18th and South 19th Streets and abutting Lot 6, Wyatt 2nd Subdivision and abutting Blocks 21 and 36, Railroad Addition for reasons stated above.</p>		
Public Hearing		
<p>Frank Ruiz, 2404 South 18th Street, Margo Moreno, 2403 South 19th Street and Victoria Zarate, 2323 South 19th Street appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p>		
Planning Commission to City Council		
<p>The Planning Commission concurs with the Community Development Department to recommend denial of the request to vacate 24th Avenue right-of-way between South 18th Street and South 19th Street for the reasons noted in the staff report.</p>		
<p>VOTE: Aye 7 Nay 1 Abstain 0 Absent 3 Motion Carried.</p>		
<p>Attachments: Map showing requested right-of-way vacation</p> <p>Prepared By: Rebecca Sall, Planning Technician, Community Development Department</p> <div style="text-align: right; margin-top: 10px;"></div>		



RESOLUTION NO. 08-203

A RESOLUTION TO VACATE AND TO DISPOSE OF 24th AVENUE RIGHT-OF-WAY BETWEEN SOUTH 18TH AND SOUTH 19TH STREETS AND ABUTTING LOT 6, WYATT 2ND SUBDIVISION AND ABUTTING BLOCKS 21 AND 36, RAILROAD ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: 24th Avenue right-of-way between South 18th and South 19th Streets and abutting Lot 6, Wyatt 2nd Subdivision and abutting Blocks 21 and 36, Railroad Addition, City of Council Bluffs, Pottawattamie County, Iowa, is of no benefit to the public and should be vacated; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by conveying and quitclaiming all of its right, title, and interest in it to the abutting property owners; and

WHEREAS, this conveyance is subject to the reservation of a permanent and perpetual utilities easement of way in favor of the City of Council Bluffs, for the maintenance of any and all utilities equipment presently in place, and for such reconstruction, re-emplacement and repair thereof which said City and its licensees and/or franchise grantees may in the future deem necessary and proper, and for the removal of any improvements emplaced thereon by the grantees, or their successors or assigns, necessitated by the reconstruction, re-emplacement, or repair of such utilities, such removal to be at the sole expense of grantees or their successors or assigns and without cost to the City, its licensees and/or franchise grantees, and without obligation to repair or replace such improvements, and subject to any and all other easements and right-of-way of record and those not of record.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the above-described city right-of-way is hereby vacated and conveyed, as follows:

Jose and Victoria Zarate and all successors in interest: The North 1/2 of vacated 24th Avenue right-of-way abutting Lots 10, 11 and 12, all of the vacated west north/south alley and the West 1/2 of the vacated east north/south alley, Block 21, Railroad Addition for the sum of \$1,039.80.

Melissa L. Wilcoxon and all successors in interest: The North 1/2 of vacated 24th Avenue right-of-way abutting Lot 6, Wyatt 2nd Subdivision for the sum of \$653.70.

Margarito and Celedonia Moreno and all successors in interest: The South 1/2 of vacated 24th Avenue right-of-way abutting Lot 1 and the West 1/2 of the vacated alley adjacent, Block 36, Railroad Addition for the sum of \$653.70.

Margarito and Celedonia Moreno and all successors in interest: The South 1/2 of vacated 24th Avenue right-of-way abutting Lots 23 and 24, the East 1/2 of the vacated west north/south alley and the west 1/2 of the vacated east north/south alley, Block 36, Railroad Addition for the sum of \$416.10.

Frank N. Ruiz and all successors in interest: The South 1/2 of vacated 24th Avenue abutting Lot 22 and the East 1/2 of the vacated alley adjacent, Block 36, Railroad Addition for the sum of \$653.70.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a City deed conveying the City's interest in the above-described street right-of-way in consideration of the sum set out above, and;

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder according to Iowa Code 354.23.

ADOPTED

AND

APPROVED: July 14, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

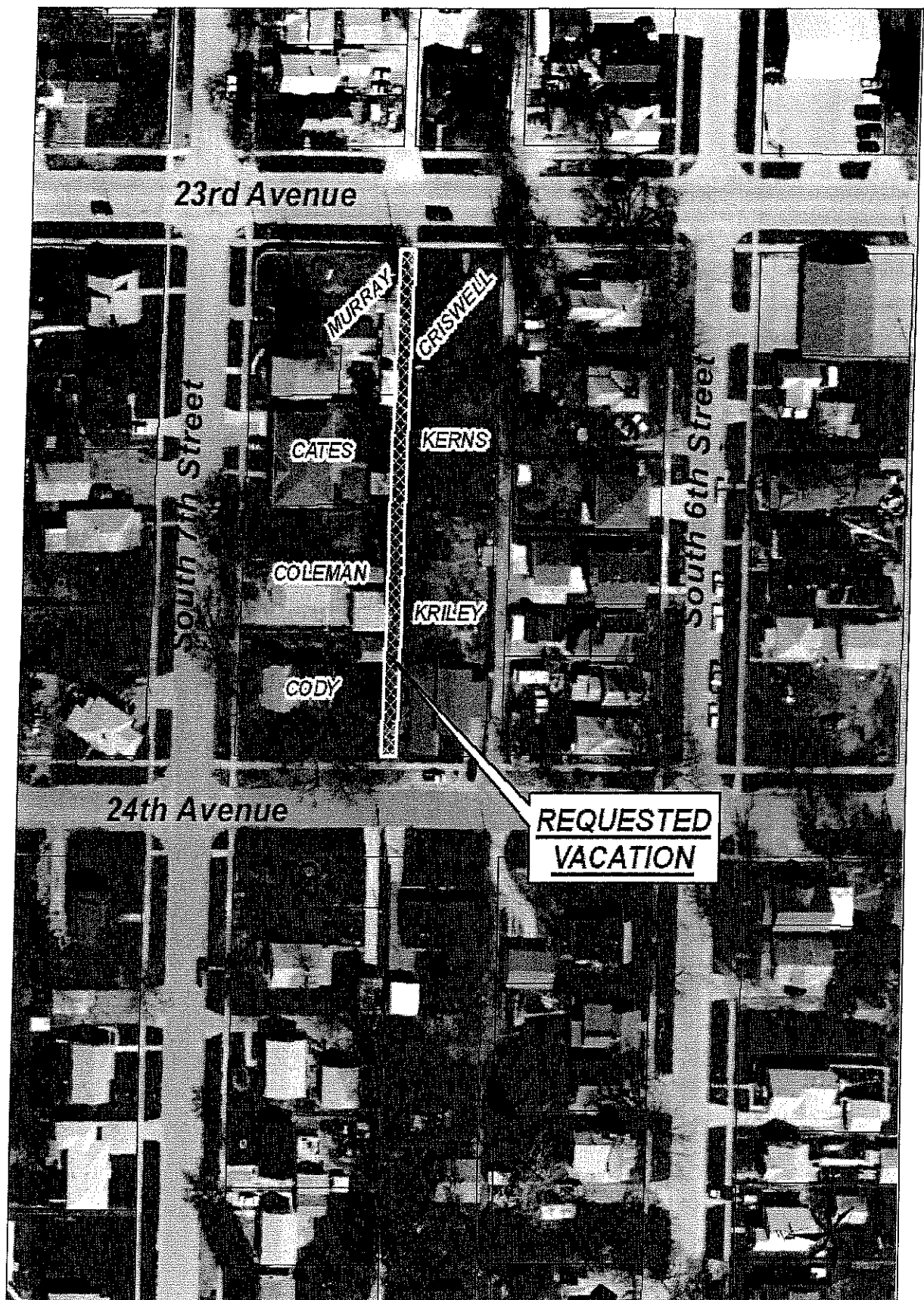
STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Judith H. Ridgeley, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Judith H. Ridgeley, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

Council Communication

<p>Department: Community Development</p> <p>Case #SAV-08-005</p> <p>Applicant: Mark S. Kriley</p>	<p>Resolution of Intent No. _____</p> <p>Resolution to Dispose No. <u>08-2209</u></p>	<p>City Council: 6/23/08</p> <p>Planning Commission: 06/10/08</p> <p>Set Public Hearing: 06/23/2008</p> <p>Public Hearing:</p>
Subject/Title		
<p>Request of Mark S. Kriley, 606 – 24th Avenue, Council Bluffs, IA 51501 to vacate the West north/south alley in McGee's Subdivision of Block 21, Hughes and Doniphan's Addition. This alley runs between 23rd and 24th Avenues, east of South 7th Street.</p>		
Background		
<p>Mark Kriley owns the property at 606 – 24th Avenue and is requesting vacation of the above mentioned alley which abuts his property on the west. The alley is open but it is not improved. It measures 11 feet wide by 330 feet long for a total of 3,630 square feet. Two properties on the north side of the block use the alley as access the rear of the properties.</p> <p>MidAmerican Energy has overhead electric distribution facilities within this alley and will need to maintain truck access in order to service the feeds to homes between 2301 and 2321 South 7th Street. If the alley is vacated, an easement will need to be retained.</p> <p>There are seven property owners along this alley including the applicant. Evelyn Coleman, 2317 South 7th Street and Robert and Mary Criswell, owners of 615 – 23rd Avenue, are opposed and unwilling to accept their portions of right-of-way. Steven K. and Carolyn A. Cates, 2309 South 7th Street, is also opposed to the request but is willing to acquire their portion if the vacation is approved. W. Lyle and Ruth M. Cody, 2321 South 7th Street, is in favor of the requested vacation and willing to acquire their portion.</p>		
Comments		
<ol style="list-style-type: none">1. This alley is not improved but is open and used for access by at least two residents on the north side of the block.2. MidAmerican Energy has facilities within the right-of-way and need to maintain access.3. Three of the seven abutting owners are opposed to the requested vacation.		
Recommendation		
<p>The Community Development Department recommends denial of the request to vacate the West north/south alley in McGee's Subdivision of Block 21, Hughes and Doniphan's Addition for reasons stated above.</p>		
Public Hearing		
<p>Mark Kriley, 606 24th Avenue appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p>		
Planning Commission to City Council		
<p>The Planning Commission concurs with the Community Development Department to recommend denial of the request to vacate the west north/south alley in McGee's Subdivision of Block 21, Hughes and Doniphan's Addition for the reasons noted in the staff report.</p>		
<p>VOTE: Aye 8 Nay 0 Abstain 0 Absent 3 Motion Carried</p>		
<p>Attachments: Map showing requested right-of-way vacation</p> <p>Prepared By: Rebecca Sall, Planning Technician, Community Development Department</p>		



CASE #SAV-08-005

RESOLUTION NO. 08-204

A RESOLUTION TO VACATE AND TO DISPOSE OF THE WEST NORTH/SOUTH ALLEY IN MCGEE'S SUBDIVISION OF BLOCK 21, HUGHES AND DONIPHAN'S ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: the West north/south alley in McGee's Subdivision of Block 21, Hughes and Doniphan's Addition running between 23rd and 24th Avenues, east of South 7th Street, City of Council Bluffs, Pottawattamie County, Iowa, is of no benefit to the public and should be vacated; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by conveying and quitclaiming all of its right, title, and interest in it to the abutting property owners; and

WHEREAS, this conveyance is subject to the reservation of a permanent and perpetual utilities easement of way in favor of the City of Council Bluffs, for the maintenance of any and all utilities equipment presently in place, and for such reconstruction, re-emplacement and repair thereof which said City and its licensees and/or franchise grantees may in the future deem necessary and proper, and for the removal of any improvements emplaced thereon by the grantees, or their successors or assigns, necessitated by the reconstruction, re-emplacement, or repair of such utilities, such removal to be at the sole expense of grantees or their successors or assigns and without cost to the City, its licensees and/or franchise grantees, and without obligation to repair or replace such improvements, and subject to any and all other easements and right-of-way of record and those not of record.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the above-described city right-of-way is hereby vacated and conveyed as follows:

Mark S. Kriley and all successors in interest: The East 1/2 of the vacated west north/south alley abutting Lot 12, McGee's Subdivision of Block 21, Hughes and Doniphan's Addition.

W. Lyle and Ruth M. Cody and all successors in interest: The West 1/2 of the vacated west north/south alley abutting Lots 13, 14 and the South 1/2 of Lot 15, McGee's Subdivision of Block 21, Hughes and Doniphan's Addition.

Evelyn M. Coleman and all successors in interest: The West 1/2 of the vacated west north/south alley abutting the North 1/2 of Lot 15 and all of Lots 16 and 17, McGee's Subdivision of Block 21, Hughes and Doniphan's Addition.

Steven K. and Carolyn A. Cates and all successors in interest: The West 1/2 of the vacated west north/south alley abutting Lots 18 and 19, McGee's Subdivision of Block 21, Hughes and Doniphan's Addition.

Ronald J. and Alice Murray and all successors in interest: The West 1/2 of the vacated west north/south alley abutting Lots 20 and 21, McGee's Subdivision of Block 21, Hughes and Doniphan's Addition.

Ronald J. and Alice L. Murray and all successors in interest: The West 1/2 of the vacated west north/south alley abutting Lot 22, McGee's Subdivision of Block 21, Hughes and Doniphan's Addition.

Robert A. and Mary E. Criswell and all successors in interest: The East 1/2 of the vacated west north/south alley abutting the North 1/2 of Lot 23, McGee's Subdivision of Block 21, Hughes and Doniphan's Addition.

Diana L. Kerns and all successors in interest: The East 1/2 of the vacated west north/south alley abutting the South 1/2 of Lot 23, McGee's Subdivision of Block 21, Hughes and Doniphan's Addition.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute this resolution conveying the City's interest in the above-described alley right-of-way in consideration of the vacation application fee already paid, and;

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and any attached documents to the County Recorder according to Iowa Code 354.23.

ADOPTED

AND

APPROVED: July 14, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk


STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Judith H. Ridgeley, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Judith H. Ridgeley, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

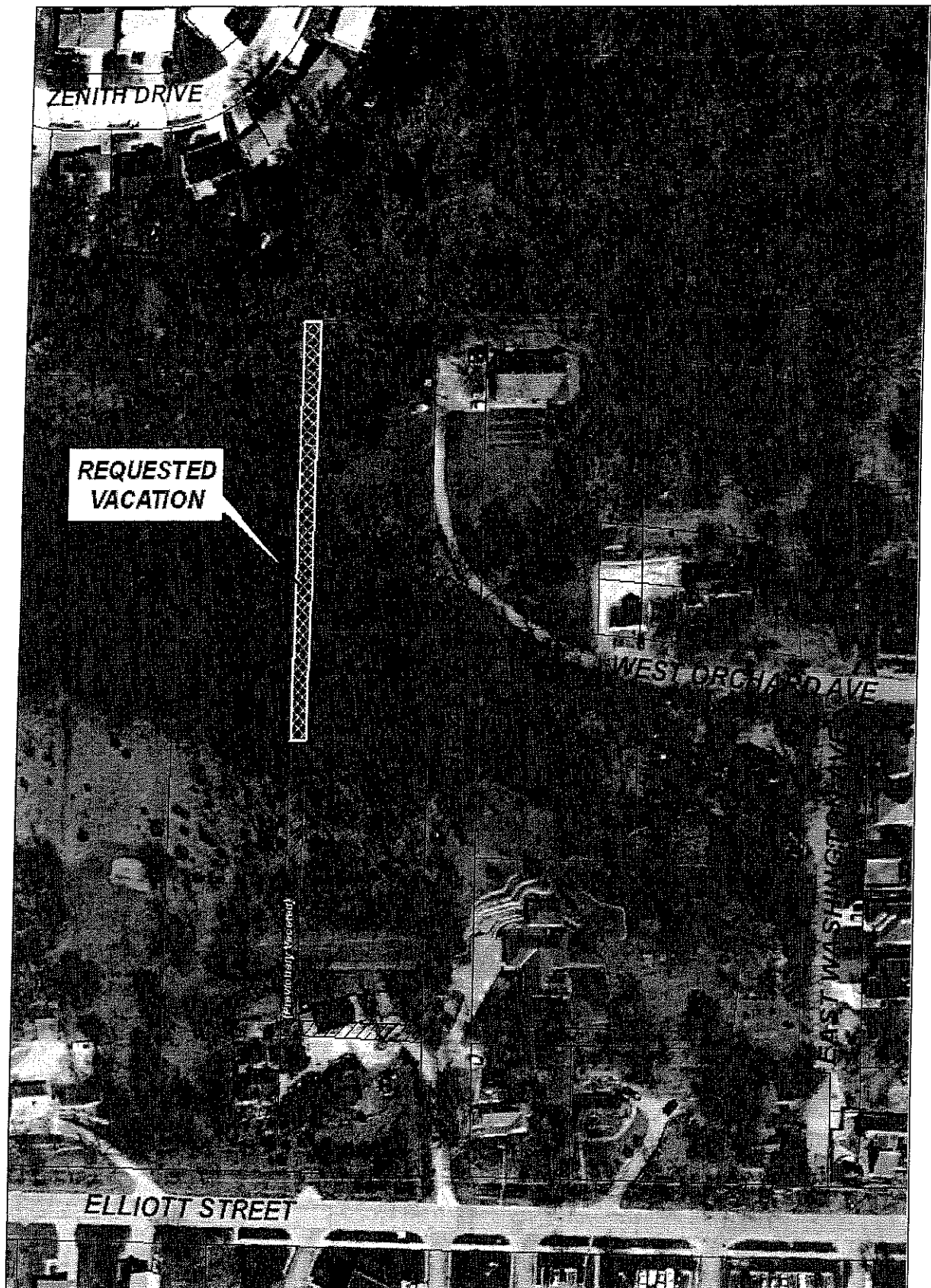
Notary Public in and for said State

Council Communication

Department: Community Development Case # SAV-08-006 Applicant: Matthew I. and Connie J. Solon	Resolution of Intent No. _____ Resolution to Dispose No. <u>08-205</u>	City Council: 6/23/08 Planning Commission: 06/10/08 Set Public Hearing: 06/23/2008 Public Hearing:
Subject/Title		
Request of Matthew I. and Connie J. Solon, 1741 Henry Street, Council Bluffs, IA 51503 to vacate the north/south alley abutting Lots 9 through 16, Block 2, Mynster Place and Lot 4, Auditor's Subdivision of the NW1/4 SW1/4 of Section 19-75-43 and also abutting Lot 66 and Out Lot A, Vergamini Seventh Addition. This portion of alley is located west of Henry Street and 385 feet north of Elliott Street.		
Background		
Matthew and Connie Solon own the majority of the property abutting the subject alley. They wish to vacate the alley so they can acquire their portion. This is a land-locked alley that is unopened and unimproved and measures 15 feet wide by 375 feet long. The south portion was vacated by Ordinance #4502 on May 23, 1983. There are no utilities within the subject right-of-way.		
Recommendation		
Because vacating the alley will eliminate potential liability and it is not necessary to meet the City's future needs, the Community Development Department recommends vacating the north/south alley abutting Lots 9 through 16, Block 2, Mynster Place and Lot 4, Auditor's Subdivision of the NW¼ SW¼ of Section 19-75-43 and also abutting Lot 66 and Out Lot A, Vergamini Seventh Addition.		
Public Hearing		
Connie Solon, 1741 Henry Street appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
Planning Commission to City Council		
The Planning Commission recommends vacation and disposition of the north/south alley abutting Lots 9 through 16, Block 2, Mynster Place and Lot 4, Auditor's Subdivision of the NW¼ SW¼ of Section 19-75-43.		
VOTE: Aye 8 Nay 0 Abstain 0 Absent 3 Motion Carried		
Attachments: Map showing requested right-of-way vacation		
Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



4 D



RESOLUTION NO. 08-205

A RESOLUTION TO VACATE AND TO DISPOSE OF THE NORTH/SOUTH ALLEY ABUTTING LOTS 9 THROUGH 16, BLOCK 2, MYNSTER PLACE AND LOT 4, AUDITOR'S SUBDIVISION OF THE NW1/4 SW1/4 OF SECTION 19-75-43 AND ALSO ABUTTING LOT 66 AND OUT LOT A, VERGAMINI SEVENTH ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned right-of-way described as follows: the north/south alley abutting Lots 9 through 16, Block 2, Mynster Place and Lot 4, Auditor's Subdivision of the NW1/4 SW1/4 of Section 19-75-43 and also abutting Lot 66 and Out Lot A, Vergamini Seventh Addition and located west of Henry Street and 385 feet north of Elliott Street, City of Council Bluffs, Pottawattamie County, Iowa, is of no benefit to the public and should be vacated; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this City right-of-way by conveying and quitclaiming all of its right, title, and interest in it to the abutting property owners; and

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the above-described city right-of-way is hereby vacated and conveyed as follows:

Matthew I. and Connie J. Solon and all successors in interest: The East 1/2 of the vacated north/south alley abutting Lots 9 through 16, Block 2, Mynster Place and the West 1/2 of the vacated north/south alley abutting Lot 4, Auditor's Subdivision of the NW1/4 SW1/4 of Section 19-75-43.

Seth Stephen and Beth Gruber, et al and all successors in interest: The West 1/2 of the vacated north/south alley abutting Lot 66, Vergamini Seventh Addition.

Gary A. and Anne B. Shaner and all successors in interest: The West 1/2 of the vacated north/south alley abutting Out Lot A, Vergamini Seventh Addition.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute this resolution conveying the City's interest in the above-described alley right-of-way in consideration of the vacation application fee already paid, and;

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and any attached documents to the County Recorder according to Iowa Code 354.23.

ADOPTED

AND

APPROVED: July 14, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

STATE OF IOWA)
COUNTY OF)ss
POTTAWATTAMIE)

On this _____ day of _____, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Judith H. Ridgeley, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Judith H. Ridgeley, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

Notary Public in and for said State

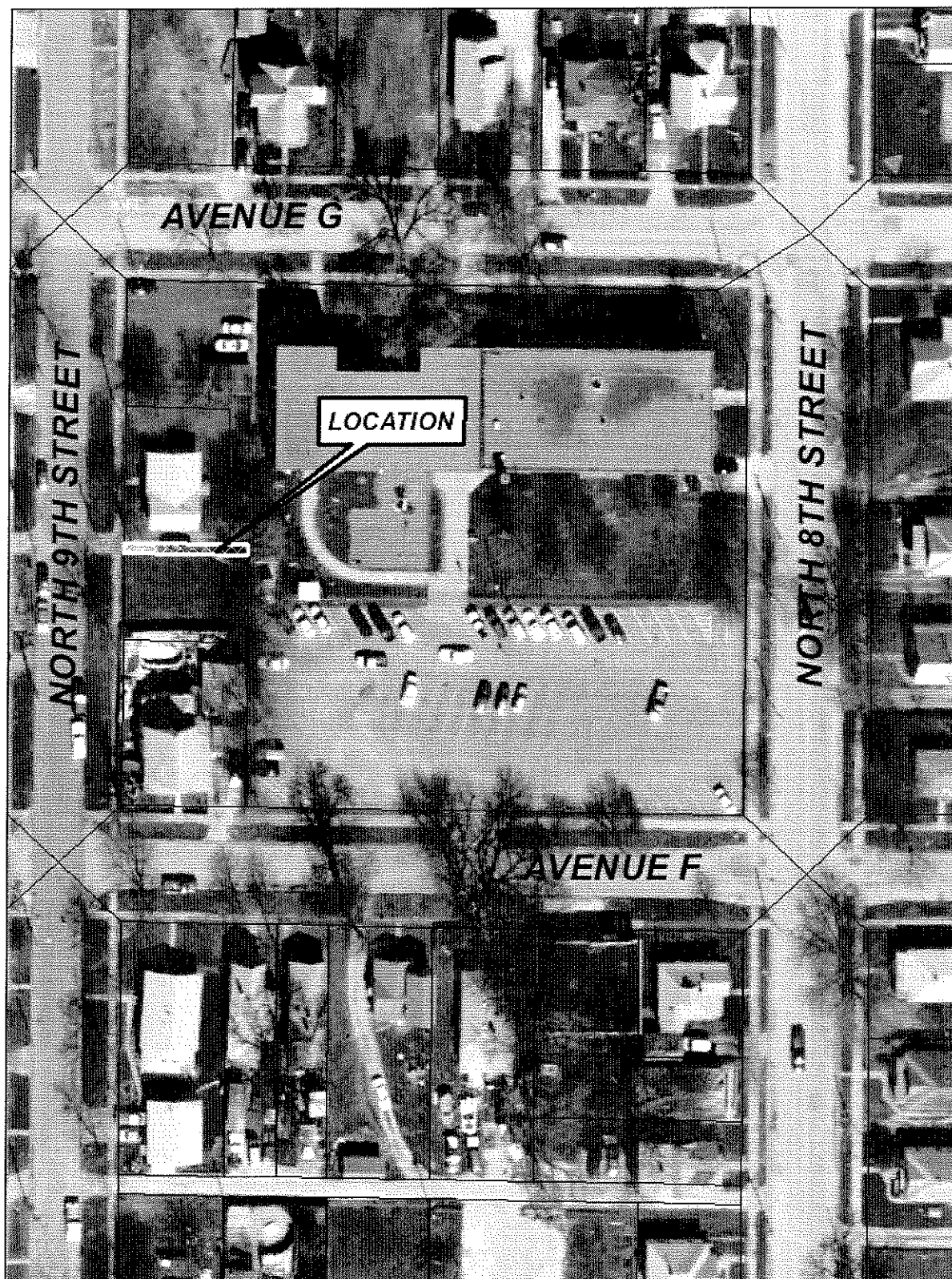
Council Communication

Department: Community Development Offer To Buy City Property Applicant: Jolene F. Wetmore Revocable Trust	Resolution of Intent No. <u>08-184</u> Resolution to Dispose No. <u>08-206</u>	Set Public Hearing: 06/23/08 Public Hearing: 07/14/08
Subject/Title Request of Jolene F. Wetmore Revocable Trust, 619 North 9 th Street, Council Bluffs, IA 51501, to purchase the South 1/2 of the vacated east/west alley abutting the North 45 feet of Lot 12 and the North 45 feet of the West 10 feet of Lot 11, Block 7, Hall's Addition.		
Background/Discussion Jolene Wetmore has submitted an Offer to Buy part of a vacated alley, as described above, which abuts her property at 619 North 9 th Street. She owns the parcels on both sides of the vacated right-of-way. This alley was vacated on June 22, 1987 by Ordinance #4800 and is located between Avenue F and Avenue G, from North 8 th to North 9 th Street. This portion was never transferred. It measures 5 feet by 65 feet for a total of 375 square feet. The <i>Policy and Procedures for Alley, Street and Right-of-way Vacations</i> establishes the price of vacated right-of-way as follows: \$75.00 for the first 300 square feet, then \$0.15 a square foot up to 5,000 square feet, and \$0.50 a square foot thereafter. Under this policy, the price for this portion of right-of-way would be \$78.75. The applicant has offered \$25.00.		
Recommendation The Community Development Department recommends disposal of the South 1/2 of the vacated east/west alley abutting the North 45 feet of Lot 12 and the North 45 feet of the West 10 feet of Lot 11, Block 7, Hall's Addition for the sum of \$78.75.		
Attachment: Location map. Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



4 E

OFFER TO BUY - WETMORE



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-206

A RESOLUTION AUTHORIZING THE DISPOSAL OF EXCESS CITY PROPERTY VACATED BY ORDINANCE 4800 DATED JUNE 22, 1987.

- WHEREAS, Ordinance Number 4800 vacated the east/west alley in Block 7, Hall's Addition which is located between Avenue F and Avenue G, from North 8th to North 9th Street; and
- WHEREAS, Council previously expressed its intent to dispose of the of the South 1/2 of the vacated east/west alley abutting the North 45 feet of Lot 12 and the North 45 feet of the West 10 feet of Lot 11, Block 7, Hall's Addition to and a public hearing has been held in this matter; and
- WHEREAS, this conveyance is subject to the reservation of a permanent and perpetual utilities easement of way in favor of the City of Council Bluffs, for the maintenance of any and all utilities equipment presently in place, and for such reconstruction, re-emplacment and repair thereof which said City and its licensees and/or franchise grantees may in the future deem necessary and proper, and for the removal of any improvements emplaced thereon by the grantees, or their successors or assigns, necessitated by the reconstruction, re-emplacment, or repair of such utilities, such removal to be at the sole expense of grantees or their successors or assigns and without cost to the City, its licensees and/or franchise grantees, and without obligation to repair or replace such improvements, and subject to any and all other easements and right-of-way of record and those not of record.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a City deed conveying the City's interest in the above-described alley right-of-way as follows:

Jolene F. Wetmore Revocable Trust and all successors in interest: The South 1/2 of the vacated east/west alley abutting the North 45 feet of Lot 12 and the North 45 feet of the West 10 feet of Lot 11, Block 7, Hall's Addition for the sum of \$78.75.

ADOPTED
AND

APPROVED: July 14, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: _____
Applicant _____

Ordinance No. _____
Resolution No. 08-207

Council Action July 14, 2008

SUBJECT/TITLE

Council consideration of a resolution for Assessing of Costs for Securing Certain Buildings within the City.

BACKGROUND/DISCUSSION

- The Building Division found certain vacant and unsecured buildings that were not being maintained by the owners. These buildings were not in compliance with Chapter 8.54 of the Municipal Code. The Building Division abated the nuisance according to code by contracting the buildings to be secured.
- The Contractor was paid from the General Fund.
- For a procedure of assessment of the abated nuisance, we are doing it in accordance to the *Uniform Code for the Abatement of Dangerous Buildings* as adopted and amended, a requirement is made that when the City Clerk receives an Account of Expense Report, then the City Council is to set a date for public hearing. Also, all objections or protests must be filed with the City Clerk **PRIOR** to the public hearing.
- These properties were declared a nuisance that had certain building which were secured as follows:

Property Address	Addition	Blk	Lot	Parcel #	Charged	%10 Admin Fee	Total	Done
112 No. 7 th Street	Bayliss 1 st Add. N75' S150'	17	1 & 2	7544 25 384 021	\$351.30	\$35.13	\$386.43	06/28/08
1113 22 nd Avenue	Burns Add.	5	6 & 7	7444 02 291 003	\$144.89 \$180.35	\$14.48 \$18.04	\$159.31 \$198.39	01/26/08 05/21/08
352 Scott Street	Allisons Add.	1	1	7544 25 338 020	\$281.65	\$28.17	\$309.82	07/15/07
3436 Avenue A	Ferry Add.	16	7	7544 28 483 021	\$311.68 \$161.43	\$31.17 \$16.14	\$342.85 \$177.57	01/31/08 05/20/08
228 So. 1 st Street	Original Plat N 9'		103 & 104	7544 25 481 022	\$177.68	\$17.77	\$195.45	02/18/08
3445 4 th Avenue	Ferry Add.	10	5	7544 33 238 004	\$280.36	\$23.04	\$303.40	03/17/08
1619 7 th Avenue	Everetts Add.	33	2	7544 35 266 005	\$374.45	\$37.45	\$411.90	08/12/07
827 4 th Avenue	Bayliss 2 nd Add.	8	4	7544 37 153 002	\$244.68	\$24.47	\$269.15	02/03/08

RECOMMENDATION

Approval of this resolution



RESOLUTION
NO. 08-207

**RESOLUTION APPROVING ASSESSING OF COSTS
FOR SECURING CERTAIN BUILDINGS WITHIN THE
CITY OF COUNCIL BLUFFS, IOWA**

WHEREAS: the Building Division of the Public Works Department of the City of Council Bluffs, Iowa, has contracted for the securing of certain buildings; and

WHEREAS: the City now desires to assess the costs for this project back to the property that had buildings that were secured; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on July 14, 2008.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk will notify the Pottawattamie County Assessor's office so that the assessment of the costs for certain projects back to the properties that had buildings that were secured.

ADOPTED
AND
APPROVED July 14, 2008

Thomas P. Hanafan, Mayor

ATTEST: _____
Judith Ridgeley, City Clerk